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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**CISCO'S ADMINISTRATIVE MOTION
TO FILE UNDER SEAL CONFIDENTIAL
INFORMATION IN OPPOSITION TO
ARISTA'S MOTION TO AMEND
SCHEDULING ORDER OR,
ALTERNATIVELY, TO STAY PATENT
CLAIMS PENDING *INTER PARTES*
REVIEW**

DEMAND FOR JURY TRIAL

Pursuant to Civil L.R. 79-5, Plaintiff Cisco Systems, Inc. (“Cisco”) respectfully requests an order granting leave to file under seal the portions of the documents listed below:

Document	Portions to Be Filed Under Seal
Cisco’s Opposition to Arista’s Motion to Amend Scheduling Order or, Alternatively, to Stay Patent Claims Pending <i>Inter Partes</i> Review	As highlighted in the version filed herewith, portions of pages: 5 and 6
Exhibit 6 to the Declaration of Mark Tung in Support of Cisco’s Opposition to Arista’s Motion to Amend Scheduling Order or, Alternatively, to Stay Patent Claims Pending <i>Inter Partes</i> Review	Entire.
Exhibit 8 to the Declaration of Mark Tung in Support of Cisco’s Opposition to Arista’s Motion to Amend Scheduling Order or, Alternatively, to Stay Patent Claims Pending <i>Inter Partes</i> Review	Entire.

I. LEGAL STANDARD

In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law”(*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

1 **II. ARISTA’S DESIGNATED CONFIDENTIAL INFORMATION**

2 Cisco makes this request to seal the documents identified herein for the reasons explained
 3 in detail in the Declaration of Mark Tung in support of this Administrative Motion to File Under
 4 Seal (“Tung Declaration”). The information sought to be sealed has been directly designated by
 5 Defendant Arista Networks, Inc. (“Arista”) as “HIGHLY CONFIDENTIAL – ATTORNEYS’
 6 EYES ONLY” under the Protective Order (Dkt. 53). Cisco has narrowly tailored its request to
 7 seal only the information so designated by Arista as articulated as the basis for this request in the
 8 Tung Declaration.

9 Cisco expects that Arista will file the required supporting declaration in accordance with
 10 Civil Local Rule 79-5(e), as necessary, to confirm that the information contained in the above
 11 referenced documents should be sealed.

12 **III. CONCLUSION**

13 Concurrently with this Motion, Cisco is filing redacted and highlighted versions of the
 14 above-referenced documents indicating the specific portions Cisco seeks to seal.

15
 16 DATED: November 18, 2015

Respectfully submitted,

17 /s/ John M. Neukom

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